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TO	: <u>SUPERVISING EXAMINER JOSEPH WOITACH</u>
COMPANY	: <u>UNITED STATES PATENT AND TRADEMARK OFFICE</u>
FAX NO.	: <u>(571) 273-8300</u>
FROM	: <u>ALBERT WAI-KIT CHAN/dl</u>
RE	: <u>SUPPLEMENTAL RESPONSE TO THE JUNE 28, 2007 OFFICE ACTION, U.S. Serial No. 10/738,423, Filed December 16, 2003 - Our Dkt. #873-Z-US</u>

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 18

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Message

Applicants	: Ivan C. KING and Li Mou ZHENG	File No.: 873-Z-US
Client	: VION Pharmaceuticals, Inc.	
Date	: August 7, 2007	

Dear Supervisor Joseph Woitach,

Please see the enclosed.

I hereby certify that the enclosed paper is being facsimile transmitted to: Supervising Examiner Joseph Woitach, Ph.D., United States Patent and Trademark Office, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at (571) 273-8300 on the date shown below. <u>Albert Wai-Kit Chan</u> <u>8/7/07</u> Albert Wai-Kit Chan, Ph.D. Date Reg. No. 36,479	
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Dkt #873-Z-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Ivan C. KING, and Li Mou ZHENG

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U.S. Serial No. : 10/738,423

AUG 07 2007

Confirmation No. : 8783

Filed : December 16, 2003

Art Unit : 1633

Examiner : Qian Janice Li

For : COMPOSITIONS AND METHODS FOR TUMOR-TARGETED DELIVERY OF EFFECTOR MOLECULES

Law Offices of Albert Wai-Kit Chan, PLLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, NY 11357

August 7, 2007

Supervisor Joseph Woitach, Ph.D.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL RESPONSE TO THE JUNE 28, 2007 OFFICE ACTION

This communication is a Supplemental Response to the June 28, 2007 OFFICE ACTION, which was filed on July 20, 2007. This communication calls attention to the Supervising Examiner, Supervisor Joseph Woitach, Ph.D.

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Applicants : Ivan C. KING and Li Mou ZHENG
U.S. Serial No.: 10/738,423
Filed : December 16, 2003
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Attached please find a copy of the amendment that was filed on July 20, 2007 in response to the most recent office action in this case. Applicants respectfully request Supervisor Woitach's comments relating to the sufficiency of the arguments provided in response to the outstanding rejection under 35 U.S.C. § 103(a). It is the applicants' position that Examiner Qian Janice Li's application of the prior art cannot reasonably be found sufficient to establish *prima facie* obviousness under § 103(a).

It should be noted that applicants are certain that Dr. Li is proceeding in good faith based on her interpretation of the law. Similarly, applicants also believe in good faith that Dr. Li's rationale for maintaining the rejection reveals questionable interpretations of the relevant case law and MPEP guidelines. In brief, Dr. Li's rationale for maintaining the rejection is largely based on a nonspecific and generalized motivation to improve cancer treatment, a motivation share by all.

Specifically, the rejection fails to describe the specific modifications of the combined references that lead to the claimed subject matter. It is also respectfully submitted that the comments in the rejection tend to mischaracterize or ignore attempts to demonstrate that manner in which the office action is inconsistent with longstanding MPEP guidelines for establishing a *prima facie* case of obviousness. For these reasons, applicants respectfully request Supervisor Woitach's input in this matter.

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If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai Kit Chan

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Dkt #873-Z-US

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World Plaza, Suite 604
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Whitestone, NY 11357

July 20, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

AMENDMENT IN RESPONSE TO JUNE 28, 2007 OFFICE ACTION

This communication is being submitted in response to the June 28, 2007 Office Action issued by the United States Patent and Trademark Office (USPTO) in connection with the above-identified application. The shortened period for response is three (3) months from the date of mailing of the Office Action, i.e., by September 28, 2007. Accordingly, this Amendment is timely filed.

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Claim Amendment Fee Calculation

	Claims remaining after amendment	Highest No. Previously Paid	Extra	Rate (Large Entity)	Rate (Small Entity)	Additional Fee
Total	12	- 20	0	X \$50.00	X \$25.00	\$0.00
Ind.	2	- 4	0	X \$200.00	X \$100.00	\$0.00

Amendment to the claims begin on page 3 of this communication

Remarks begin on page 5 of this communication

Conclusion begin on page 15